A BILL ENTITLED

AN ACT concerning

Police Accountability Boards and Administrative Charging Committees – Municipal Corporations

FOR the purpose of authorizing each municipal corporation in the State to have a certain police accountability board; authorizing each municipal corporation in the State to establish an administrative charging committee to serve certain law enforcement agencies; and generally relating to police accountability boards and administrative charging committees in municipal corporations.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 3–102 and 3–104(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)
(As enacted by Chapter 59 of the Acts of the General Assembly of 2021)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Safety

3–102.

(a) Each county shall have a police accountability board to:

(1) hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;

(2) appoint civilian members to charging committees and trial boards;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(3) receive complaints of police misconduct filed by members of the public; and

(4) (i) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and

(ii) on or before December 31 each year, submit a report to the governing body of the county that:

1. identifies any trends in the disciplinary process of police officers in the county; and

2. makes recommendations on changes to policy that would improve police accountability in the county.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, the local governing body shall:

1. establish the membership of a police accountability board;

2. establish the budget and staff for a police accountability board;

3. appoint a chair of the police accountability board who has relevant experience to the position; and

4. establish the procedures for record keeping by a police accountability board.

(ii) An active police officer may not be a member of a police accountability board.

(2) To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the county.

(c) (1) A complaint of police misconduct filed with a police accountability board shall include:

(i) the name of the police officer accused of misconduct;

(ii) a description of the facts on which the complaint is based; and

(iii) contact information of the complainant or a person filing on behalf of the complainant for investigative follow–up.

(2) A complaint need not be notarized.
[(d)] (3) A complaint of police misconduct filed with a police accountability board shall be forwarded to the appropriate law enforcement agency within 3 days after receipt by the board.

(D) (1) EACH MUNICIPAL CORPORATION IN THE STATE MAY HAVE A POLICE ACCOUNTABILITY BOARD TO:

   (I) HOLD QUARTERLY MEETINGS WITH REPRESENTATIVES OF LOCAL GOVERNMENT AGENCIES IN THE MUNICIPAL CORPORATION AND HEADS OF LAW ENFORCEMENT AGENCIES WITH JURISDICTION IN THE MUNICIPAL CORPORATION TO IMPROVE POLICING IN THE MUNICIPAL CORPORATION;

   (II) APPOINT CIVILIAN MEMBERS OF THE CHARGING COMMITTEE ESTABLISHED UNDER § 3–104(A)(2) OF THIS SUBTITLE; AND

   (III) RECEIVE COMPLAINTS OF POLICE MISCONDUCT FILED BY MEMBERS OF THE PUBLIC.

(2) THE MUNICIPAL CORPORATION SHALL DETERMINE THE COMPOSITION AND SELECT THE MEMBERS OF THE ACCOUNTABILITY BOARD ESTABLISHED UNDER THIS SUBSECTION.

3–104.

(a) (1) (I) Each county shall have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies within the county.

[(2)] (II) A county administrative charging committee shall be composed of:

   [(i)] 1. the chair of the county’s police accountability board, or another member of the accountability board designated by the chair of the accountability board;

   [(ii)] 2. two civilian members selected by the county’s police accountability board; and

   [(iii)] 3. two civilian members selected by the chief executive officer of the county.

(2) (I) EACH MUNICIPAL CORPORATION IN THE STATE MAY ESTABLISH AN ADMINISTRATIVE CHARGING COMMITTEE TO SERVE LAW ENFORCEMENT AGENCIES IN THE MUNICIPAL CORPORATION.
(II) THE ADMINISTRATIVE CHARGING COMMITTEE SHALL BE COMPOSED OF:

1. THE CHAIR OF THE POLICE ACCOUNTABILITY BOARD FOR THE MUNICIPAL CORPORATION, OR ANOTHER MEMBER OF THE MUNICIPAL CORPORATION’S ACCOUNTABILITY BOARD DESIGNATED BY THE CHAIR;

2. TWO CIVILIAN MEMBERS SELECTED BY THE MUNICIPAL CORPORATION’S ACCOUNTABILITY BOARD; AND

3. TWO CIVILIAN MEMBERS SELECTED BY THE CHIEF EXECUTIVE OF THE MUNICIPAL CORPORATION AND APPROVED BY THE LOCAL GOVERNING BODY OF THE MUNICIPAL CORPORATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022, the effective date of Section 3 of Chapter 59 of the Acts of the General Assembly of 2021. If the effective date of Section 3 of Chapter 59 is amended, this Act shall take effect on the taking effect of Section 3 of Chapter 59.